

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2001-012630

02/11/2003

HONORABLE MAURICE PORTLEY

CLERK OF THE COURT  
C. Danos  
Deputy

FILED: 02/13/2003

IN RE THE MARRIAGE OF  
WENDY A FERNANDEZ

RICHARD A STEINER

AND

JOHN A FERNANDEZ

TIMOTHY A FORSHEY

DOCKET-FAMILY COURT CCC

**DECREE OF DISSOLUTION**

A dissolution trial was held.

At the outset, the parties stated their agreements on the record. Specifically, they agreed to the following:

- \* Joint custody with Mother as the primary residential parent;
- \* Father would continue to provide medical and dental insurance for the children;
- \* The parties would keep the cars in their possession and that Father would pay a \$5000.00 differential would be paid to Mother;
- \* Child support would be by the Arizona Child Support Guidelines;
- \* The marital home is worth \$475,000.00 with a mortgage of \$299, 000.00, though the parties could not agree on its disposition;
- \* The condominium is worth \$130,000.00 with a \$100,00.00 mortgage and should be sold with the proceeds divided by the parties;
- \* They would equally divide the Visa debt of \$30,000.00;
- \* The partnership had a "walk-out value of \$51,000.00 but the parties could not agree on the division;
- \* Keith Moore shall prepare the necessary QDRO(s) to divide any interest the parties may have in 401(K), pension or retirement benefits, and the parties shall equally share in the costs of such preparation; and

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- \* Spousal maintenance will be for six years though they could not agree on the amount.

Testimony and exhibits were received. At the conclusion of the dissolution trial, the Court took the matter under advisement.

The Court has reviewed the evidence.

The parties were married on April 17, 1993. They produced three children, Jess (8.9.94), Samantha (2.12.97) and Veronica (6.7.2000). The parties separated during November 2001 and the dissolution petition was filed on November 30, 2001 and duly served.

All jurisdictional requirements necessary to dissolve the marriage have been met and the marriage is irretrievably broken.

IT IS ORDERED as follows:

- A. The Court adopts the agreement of the parties stated above as if stated in full herein.
- B. The marriage is dissolve and the parties are returned to their single status.
- C. Petitioner shall have 90 days to refinance the home. If she is able to refinance the home, she shall get a 6% cost of sale deduction. If she is unable to refinance the home, it will be listed for sale and the parties will cooperate with the realtor. After the home is sold, the parties shall equally divide the proceeds.
- D. The home has household furnishings. Mother offered to pay Father \$2500.00 to resolve the issue. Father testified that he would accept that sum. Mother shall pay Father \$2500.00 and the community interest in the household furnishings is resolved.
- E. Mother shall return any tools Father regularly used that may still be in the family home.
- F. Mother shall make available to Father for duplication family photos, videos and music. Father and Mother shall equally divide the costs of duplication.
- G. All stocks, bonds, mutual funds and life insurance proceeds shall be equally divided between the parties.
- H. The Court will appoint a Family Court Advisor to assist the family in the event there are access issues that arise. If the parties cannot agree, each shall submit a

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list of three names and the Court will select the Family Court Advisor from the names provided.

I. The parenting schedule will be as follows:

1. Father's current parenting time will be remain as it is -- every other weekend and a Tuesday or Wednesday for dinner -- through the end of the school year. If his weekend falls on a three-day weekend, he will keep the children through Monday at 6:00 p.m.
2. Beginning on May 30, 2003, or Father's next regularly scheduled weekend, he shall have the children every other weekend from Friday at 5:00 p.m. until Sunday at 6:00 p.m., unless the weekend is a three-day weekend, and if it is, Father shall return the children on Monday at 6:00 p.m.; and every Tuesday at 5:00 p.m. until Wednesday at 5:00 p.m. The schedule will continue during the school year, except that Father shall return the older children to school on Wednesday morning and Veronica to Mother or as Mother may direct.
3. Father will get the children for one-half of the spring break. He will get Saturday morning at 9:00 until Wednesday evening at 5:00 p.m. in even-numbered years and Wednesday evening at 5:00 p.m. until Sunday at 6:00 p.m. in odd-numbered years.
4. Father shall have the children for two one-week periods of time during the summer separated by not less than three weeks. Father shall provide Mother with his proposed schedule by May 15<sup>th</sup> of the year. Father's choices will be honored in odd-numbered years. Mother, however, shall have the children in her care seven days before school resumes.
5. The parties shall share the children during the winter break. Specifically, in odd-numbered years he shall have the children for the second week on the winter break and in even-numbered years, he shall have them the first week of the winter break. A week during the winter break is defined as the Saturday after the last day of school beginning at noon until the following Saturday at 5:00 p.m. The second week of the winter break begins on the second Saturday after the last day of school at 5:00 p.m. until noon on the Sunday before school resumes. Mother, in return, shall have the children the first week of the winter break in even-numbered years and the second week of winter break on odd-numbered years.
6. The parties shall share the children for the Christmas holiday. The children shall spend Christmas Eve and Christmas Day until 10:00 a.m.

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with the parent they are with during the winter break, as stated above, and then with the other parent from 10:00 a.m. until the following day at 9:00 a.m.

7. The children will spend Mother's Day with Mother, and Father's Day with Father.
  8. The parent not having access to the child on the date of the child's birthday should have not less than two hours with the child to celebrate that wonderful occasion.
  9. The parties shall share the transportation of the children. There are one of three ways to resolve the issue. First, they can pick a mid-point and handle the exchanges at that location. Second, one parent could pick up at the start of the access and the other could pick up at the end of the access period. Or, they can seek the assistance of the Family Court Advisor.
- J. Child support. Both parties testified they want the Court of attribute income to the other; Father wants Mother's income attributed to her former employment eight years ago and Mother want's Father's attributed in excess of \$7500.00. Mother testified that she earns \$25.00 per hour for 8-10 hours per week and \$10.00 per hour for the other 30 hours a week. She earns, as a result, \$450.00 per week or \$1800 per month. There is no day care child-care expense. The oldest child attends a charter school that charges \$350.00 per month plus \$100.00 for after school care. Father testified that he earns only \$5500.00 per month based on his 2001 tax return that Mother had admitted into evidence. Father also gets a car allowance of \$800.00 per month and that will be added to make his monthly income \$6300.00. Father will get credit for 130 days of parenting time under the Court's schedule. He also was paying \$90.00 per month for medical insurance. As a result, his monthly child support is \$1200.00, plus the processing fee, which shall be by order of assignment beginning March 1, 2003.
- K. Spousal maintenance. The parties have agreed to a six-year term. The only dispute is how much Mother should be awarded. Based on the testimony, Father shall pay Mother \$1200.00 from March 1, 2003 until February 29, 2004; in years two and three, he shall pay Mother \$1000.00 per month; in year four he shall pay her \$750.00 per month; and in years five and six, he shall pay her \$500.00 per month. The spousal maintenance award will end if Mother remarries before the end of the six-year term.

ISSUED: Order of Assignment.

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- L. The final issue is attorney's fees. Based on the evidence presented, the income of the parties, the debts Father has been paying, the assets that will be divided and the positions of the parties during the litigation, Father will contribute to Mother's attorney's fees not to exceed \$2500.00. Counsel should file a China Doll affidavit.

FILED: Exhibit Worksheet; Child Support Worksheet [Court].

IT IS FURTHER ORDERED signing this minute entry as a formal written Order of the Court, pursuant to Rule 58(a) and waiving the requirements of Rule 58(d), Arizona Rules of Civil Procedure.

/S/ HONORABLE MAURICE PORTLEY

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JUDICIAL OFFICER OF THE SUPERIOR COURT